
A BILL FOR AN ACT

RELATING TO THE JUDICIARY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

PART I. GENERAL PROVISIONS

SECTION 1. This Act shall be known and may be cited as the
Judiciary Appropriations Act of 2013.

SECTION 2. Unless otherwise clear from the context, as
used in this Act:

"Program ID" means the unique identifier for the specific
program, and consists of the abbreviation for the judiciary
(JUD) followed by a designated number for the program.

"Means of Financing", or "MOF", means the source from which
funds are appropriated, or authorized, as the case may be, to be
expended for the programs and projects specified in this Act.

All appropriations are followed by letter symbols. The letter
symbols, where used, shall have the following meanings:

- A General funds
- B Special funds
- C General obligation bond funds
- N Other federal funds
- W Revolving funds



1 "Position ceiling" means the maximum number of permanent
2 positions authorized for a particular program during a specified
3 period or periods, as noted by an asterisk.

4 **PART II. PROGRAM APPROPRIATIONS**

5 SECTION 3. The following sums, or so much thereof as may
6 be sufficient to accomplish the purposes and programs designated
7 herein, are appropriated or authorized from the sources of
8 funding specified to the judiciary for the fiscal biennium
9 beginning July 1, 2013, and ending June 30, 2015. The total
10 expenditures and the number of permanent positions established
11 in each fiscal year of the fiscal biennium shall not exceed the
12 sums and the position ceilings indicated for each year, except
13 as provided in this Act.



PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR 2013-2014	M O F	FISCAL YEAR 2014-2015	M O F
The Judicial System							
1.	JUD101	- COURTS OF APPEAL					
	OPERATING		JUD	71.00* 6,155,459A		71.00* 6,155,459A	
2.	JUD310	- FIRST JUDICIAL CIRCUIT					
	OPERATING		JUD	1,066.50* 75,213,242A		1,066.50* 76,298,617A	
			JUD	41.00* 4,002,620B		41.00* 4,002,620B	
3.	JUD320	- SECOND JUDICIAL CIRCUIT					
	OPERATING		JUD	209.00* 15,174,610A		209.00* 15,161,244A	
4.	JUD330	- THIRD JUDICIAL CIRCUIT					
	OPERATING		JUD	228.00* 18,014,284A		228.00* 18,014,284A	
5.	JUD350	- FIFTH JUDICIAL CIRCUIT					
	OPERATING		JUD	99.00* 6,894,905A		99.00* 6,894,905A	
6.	JUD501	- JUDICIAL SELECTION COMMISSION					
	OPERATING		JUD	1.00* 88,857A		1.00* 88,857A	
7.	JUD601	- ADMINISTRATION					
	OPERATING		JUD	227.00* 23,298,416A		227.00* 23,282,956A	
			JUD	1.00* 7,930,290B		1.00* 7,930,290B	
			JUD	343,261W		343,261W	
	INVESTMENT CAPITAL		JUD	45,500,000C		44,500,000C	



1 **PART III. PROGRAM PROVISIONS**

2 SECTION 4. Provided that of the general fund appropriation
3 for administration (JUD 601), the sum of \$75,000 or so much
4 thereof as may be necessary for fiscal year 2013-2014 and the
5 same sum or so much thereof as may be necessary for fiscal year
6 2014-2015 shall be expended for one (1.00 FTE) deputy public
7 defender position for the veterans treatment court; provided
8 further that the funds shall not be expended for any other
9 purpose; and provided further that any unexpended funds shall
10 lapse to the credit of the general fund.

11 SECTION 5. Provided that of the general fund appropriation
12 for administration (JUD 601), the sum of \$150,000 or so much
13 thereof as may be necessary for fiscal year 2013-2014 and the
14 same sum or so much thereof as may be necessary for fiscal year
15 2014-2015 shall be expended for two (2.00 FTE) deputy
16 prosecuting attorney positions for the veterans treatment court
17 pursuant to an agreement between the judiciary and the office of
18 the prosecuting attorney for the city and county of Honolulu;
19 provided further that the funds shall not be expended for any
20 other purpose; and provided further that any unexpended funds
21 shall lapse to the credit of the general fund.

22 SECTION 6. Provided that whenever the need arises, the
23 chief justice, in administering an equitable and expeditious



1 judicial process, is authorized to transfer sufficient funds and
2 positions between programs for operating purposes; and provided
3 further that no transfer shall be made to implement any
4 collective bargaining contract signed after this legislature
5 adjourns sine die.

6 SECTION 7. Provided that if the chief justice, or any
7 agency, or any government unit secures federal funds or other
8 property under any act of Congress, or any funds or other
9 property from private organizations or individuals which are to
10 be expended in connection with any program or works authorized
11 by this Act, or otherwise, the chief justice, or the agency with
12 the chief justice's approval, shall have the power to enter into
13 the undertaking with the federal government, private
14 organization, or individual.

15 SECTION 8. Provided that the judiciary is authorized to
16 transfer savings from its general fund appropriation to the
17 driver education special fund to accommodate any temporary cash
18 flow deficits.



1 **PART IV. CAPITAL IMPROVEMENT PROJECTS**

2 SECTION 9. The sum of \$90,000,000 appropriated or
3 authorized in part II of this Act for capital improvement
4 projects shall be expended by the judiciary for the projects
5 listed below; provided that several related or similar projects
6 may be combined into a single project, if a combination is
7 advantageous or convenient for implementation; and provided
8 further that the total cost of the projects thus combined shall
9 not exceed the total of the sums specified for the projects
10 separately. The amount after each cost element and the total
11 funding for each project listed in this part are in thousands of
12 dollars.



CAPITAL IMPROVEMENT PROJECTS

				APPROPRIATIONS (IN 000'S)			
ITEM NO.	CAPITAL ID	PROJECT TITLE	EXPENDING AGENCY	FISCAL YEAR 2013-2014	M O F	FISCAL YEAR 2014-2015	M O F
1		THE JUDICIAL SYSTEM					
2							
3		JUD601 - ADMINISTRATION					
4							
5	1.	KONA JUDICIARY COMPLEX, HAWAI'I.					
6							
7		DESIGN AND CONSTRUCTION FOR A					
8		NEW JUDICIARY COMPLEX AT KONA,					
9		HAWAI'I.					
10		DESIGN		1,000		0	
11		CONSTRUCTION		44,500		44,500	
12		TOTAL FUNDING	JUD	45,500	C	44,500	C
13							
14	2.	KONA JUDICIARY COMPLEX, HAWAI'I.					
15							
16		DESIGN AND CONSTRUCTION FOR A					
17		NEW CORRECTIONAL FACILITY ADJACENT					
18		TO THE NEW JUDICIARY COMPLEX AT KONA,					
19		HAWAI'I.					
20		DESIGN					
21		CONSTRUCTION					
22		TOTAL FUNDING	JUD				



1 **PART V. ISSUANCE OF BONDS**

2 SECTION 10. General obligation bonds may be issued, as
3 provided by law, to yield the amount that may be necessary to
4 finance projects authorized in part II and listed in part IV of
5 this Act; provided that the sum total of the general obligation
6 bonds so issued shall not exceed \$90,000,000.

7 **PART VI. SPECIAL PROVISIONS**

8 SECTION 11. Any law or any provision of this Act to the
9 contrary notwithstanding, the appropriations made for capital
10 improvement projects authorized in part II and listed in part IV
11 of this Act shall not lapse at the end of the fiscal year for
12 which the appropriations are made; provided that all
13 appropriations made for fiscal year 2013-2014 and fiscal year
14 2014-2015 which are unencumbered as of June 30, 2016, shall
15 lapse as of that date.

16 SECTION 12. The judiciary is authorized to delegate to
17 other state or county agencies the planning, acquisition of
18 land, design, construction, and equipment of any capital
19 improvement project when it is determined by the judiciary to be
20 advantageous to do so.

21 SECTION 13. All unrequired balances in the general
22 obligation bond fund, after the objectives of part II



1 appropriations for capital improvements program purposes listed
2 as projects in part IV of this Act have been met, shall be
3 transferred to the judiciary project adjustment fund.

4 SECTION 14. If the amount allocated from the general
5 obligation bond fund for a capital improvement project listed in
6 part IV of this Act is insufficient, the chief justice may make
7 supplemental allotments from the project adjustment fund;
8 provided that supplemental allotments shall not be used to
9 increase the scope of the project.

10 SECTION 15. Where it has been determined that changed
11 conditions, such as a reduction in the particular population
12 being served, permit the reduction in the scope of a project
13 listed in part IV of this Act, the chief justice may authorize
14 such reduction of project scope.

15 SECTION 16. The chief justice shall determine when and the
16 manner in which the authorized capital improvement projects
17 shall be initiated. The chief justice shall notify the governor
18 from time to time of the specific amounts required for the
19 projects, and the governor shall provide for those amounts
20 through the issuance of bonds authorized in part V of this Act.

21 SECTION 17. Any law or any provision of this Act to the
22 contrary notwithstanding, the chief justice may supplement funds



1 for any cost element for a capital improvement project
2 authorized under this Act by transferring such sums as may be
3 needed from the funds appropriated for other cost elements of
4 the same project by this Act or by any other prior or future Act
5 that has not lapsed; provided that the total expenditure of
6 funds for all cost elements for the project shall not exceed the
7 total appropriation for that project.

8 **PART VII. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE**

9 SECTION 18. If any portion of this Act or its application
10 to any person or circumstances is held to be invalid for any
11 reason, the remainder of the Act and any provision thereof shall
12 not be affected. If any portion of a specific appropriation is
13 held to be invalid for any reason, the remaining portion shall
14 be independent of the invalid portion and shall be expended to
15 fulfill the objective and intent of the appropriation to the
16 extent possible.

17 SECTION 19. If any manifest clerical, typographical, or
18 other mechanical error is found in this Act, the chief justice
19 is authorized to correct the error. All changes made pursuant
20 to this section shall be reported to the legislature at its next
21 regular session.

22 SECTION 20. This Act shall take effect on July 1, 2013.



Report Title:

Judiciary Package; Appropriations; Budget

Description:

Appropriates funds for the judiciary for the fiscal biennium beginning 7/1/2013, and ending 6/30/2015. Effective 7/1/2013.
(HB197 SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

